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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/737,298

12/16/2003

John L. Kemper

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12/18/2006

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EXAMINER

HAMILTON, LALITA M

ART UNIT

PAPER NUMBER

3691

DATE MAILED: 12/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/737,298

Applicant(s)

KEMPER ET AL.

Examiner

Lalita M. Hamilton

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 and 39-52 is/are pending in the application.
- 4a) Of the above claim(s) 39-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 50-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Summary**

On March 9, 2006, an Office Action was sent to the Applicant rejecting claims 1-38. On June 9, 2006 and September 25, 2006, the Applicant responded by amending claims 1-7, 13-14, and 16-18; canceling claims 19-38; and adding new claims 39-52.

### ***Election/Restrictions***

Newly submitted claims 39-49 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 39-49 are directed to a method of verifying loan data utilizing identifiers and validating the loans based on those identifiers.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 39-49 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 and 50-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Hibbert (2006/0074793).

Hibbert discloses a method and corresponding system for managing underwriting of secondary market loans comprising verifying loan data for a mortgage loan being delivered by a seller to a purchaser of the mortgage loan in the secondary mortgage market, receiving a first set of loan data, the first set of loan data being received at computer-implemented underwriting logic, the first set of loan data being data for a mortgage loan application for a borrower associated with the mortgage loan, generating an underwriting recommendation for the mortgage loan application at the underwriting logic, the underwriting recommendation being generated based on the first set of loan data, receiving a second set of loan data for the loan from the seller, the second set of loan data being received at computer-implemented delivery logic, the second set of loan data being associated with a delivery process-in which the mortgage loan is delivered by the seller to the purchaser of the mortgage loan, and comparing the first set of loan data and the second set of loan data at computer-implemented comparison logic to determine any differences (p.1, 2-5; p.3, 27, 31, and 34; p.5, 50 to p.6, 56; p.10, 108; and p.13, 147-149); determining at least one difference between the first set of loan data and the second set of loan data at the comparison logic and editing the second set of loan data (p.1, 2-5; p.3, 27, 31, and 34; p.5, 50 to p.6, 56; p.10, 108; and p.13, 147-149); determining at least one difference between the first set of loan data and the second set of loan data at the comparison logic and notifying the seller of the at least one difference (p.1, 2-5; p.3, 27, 31, and 34; p.5, 50 to p.6, 56;

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p.10, 108; and p.13, 147-149); determining at least one difference between the first set of loan data and the second set of loan data at the comparison logic and processing the second set of loan data using the underwriting logic (p.1, 2-5; p.3, 27, 31, and 34; p.5, 50 to p.6, 56; p.10, 108; and p.13, 147-149); determining at least one difference between the first set of loan data and the second set of loan data at the comparison logic and determining a yield adjustment for the loan based on the at least one difference (p.11, 125-126); determining at least one difference between the first set of loan data and the second set of loan data at the comparison logic and determining a fee to be charged to the seller based on the at least one difference (p.11, 125-126); and receiving a first set of loan data, the first set of loan data being received at computer-implemented underwriting logic, the first set of loan data being data for a mortgage loan application for the mortgage loan, generating an underwriting recommendation for the mortgage loan application at the underwriting logic, the underwriting recommendation being generated based on the first set of loan data, receiving a second set of loan data for the loan from the seller, the second set of loan data being received at computer-implemented delivery logic, the second set of loan data being associated with a delivery process in which the mortgage loan is delivered by the seller to the purchaser of the mortgage loan, comparing the first set of loan data and the second set of loan data using at least one computer-implemented business rule to determine a set of differences between the first set of loan data and the second set of loan data in a group of material terms, wherein the at least one business rule is configured to define the group of material terms, and wherein the group of material

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terms includes at least one of an occupancy type, product type, amortization type, loan term, property type, loan purpose, property sales price, and appraised value, generating a display of the set of differences and the second set of loan data, generating a pricing determination for the mortgage loan based on the set of differences and the delivery data, and generating a display of the pricing determination for the mortgage loan, wherein the method is performed by a computer system associated with a secondary mortgage market participant operating in the secondary mortgage market as at least one of a mortgage purchaser, a mortgage investor, a mortgage guarantor, and a mortgage securitizer (p.1, 2-5; p.3, 27, 31, and 34; p.5, 50 to p.6, 56; p.10, 108; and p.13, 147-149).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-18 and 20-52 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

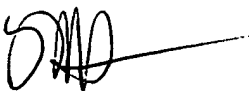
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lalita M. Hamilton  
Primary Examiner, 3691